

INTERIM GUIDANCE ON THE DESIGNATION OF CONSERVATION AREAS AND CONSERVATION AREA CONSENT

APRIL 2019



HISTORIC
ENVIRONMENT

SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL

ALBA

This guidance was published by Historic Environment Scotland as part of the Historic Environment Scotland Policy Statement (2016). This edition is an interim document published by Historic Environment Scotland in 2019 to provide detailed guidance on the application of Historic Environment Policy for Scotland (HEPS, 2019). It sets out the principles HES recommends are followed in implementing the requirements of Scottish Planning Policy paragraphs 141 and 142 and is a material consideration in the planning process. It should be read alongside HEPS and the Managing Change Guidance Notes series. We will be reviewing and updating our Managing Change Guidance series and any new guidance will be subject to public consultation.

HISTORIC ENVIRONMENT SCOTLAND GUIDANCE ON THE DESIGNATION OF CONSERVATION AREAS AND CONSERVATION AREA CONSENT

1. Conservation areas are designated under the Planning Listed Buildings and Conservation Areas (Scotland) Act 1997.
2. Conservation areas are areas which have special architectural or historic interest that are considered worthy of protection. Conservation areas are varied in character, encompassing the urban and the rural; they range from the historic core of our cities to isolated rural settlements or landscapes.
3. It is the character of an area, either architectural or historic, created by buildings and open spaces and their relationship with one another which the designation of a conservation area seeks to preserve. Elements such as the street layout, open spaces and the public realm all contribute to an area's special character.
4. To be designated as a conservation area it must meet the criteria of **'special architectural or historic interest the character or appearance of which is desirable to preserve or enhance'**, as set out in Section 61 of the 1997 Act.
5. National planning policy sets out that local authorities are expected to ensure that local development plans and supplementary guidance provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. In this regard, local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed Article 4 Directions. This should be supported by Conservation Area Appraisals and Management. As part of this process, planning authorities are encouraged undertake a thorough appraisal of any area before designation to ensure that its character or appearance is understood.
6. By law, Historic Environment Scotland has the power to determine, after consultation with the planning authority, that an area should be a conservation area and may designate it. This is a power which will be used only exceptionally.
7. As set out in Section 62 of the 1997 Act, once a planning authority has decided to designate a conservation area, notice of the designation must be published in the *Edinburgh Gazette* and at least one local newspaper.
8. Scottish Ministers and Historic Environment Scotland, at the same time as the designation is advertised, must be formally notified of the designation of the conservation area. They must also be provided with a copy of the published notice, together with a copy of the designation map and a list of street names which will usually be submitted in an open GIS format.
9. Planning authorities may also amend or remove a conservation area that is already designated. Notification of this will be in the same way as for new designations. Amended conservation areas should normally be re-designated in their entirety.
10. Every planning authority is required to compile and keep available for public inspection a list containing appropriate information about their conservation areas.
11. Planning authorities have a duty to submit their proposals for the preservation and enhancement of conservation areas for consideration to a local public meeting and should, when preparing schemes, seek the advice and views of local residents and amenity groups. Wherever possible, proposals should first be subject to public consultation through the Local Development Plan process, thus providing opportunity for the views of stakeholders to be taken into account. Owners and occupiers of property within a conservation area do not have to be specifically notified

and there is no right of appeal against a designation, variation or cancellation.

12. Once an area has been designated it becomes the duty of the planning authority and any other authority concerned, including Historic Environment Scotland, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under planning laws.
13. Some types of development which would not otherwise require permission may require permission through the planning process.

Selection guidance for designating a conservation area

14. Areas of 'special architectural or historic interest' will be selected based on a range of factors which may include:
 - areas of significant architectural or historic interest in terms of specific listed buildings and/or scheduled monuments;
 - areas of significant architectural or historic interest in terms of building groupings, which may or may not include listed buildings and/or scheduled monuments, and open spaces which they abut;
 - areas with features of architectural or historic interest such as street pattern, planned towns and villages and historic gardens and designed landscapes; and
 - other areas of distinctive architectural or historic character.
15. The characteristics and values that contribute to a conservation area's special architectural or historic interest are:
 - its special architectural or historic importance;
 - its distinct character;
 - its value as a good example of local or regional architectural style;
 - its value within the wider context of the village or town; and
 - its present condition, and the scope for significant improvement and enhancement.

Guidance on Conservation Area Consent for demolition of unlisted buildings

16. The demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it.
17. In deciding whether conservation area consent should be granted, planning authorities should therefore take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site.
18. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated.
19. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.
20. Decision makers are required to have regard to the desirability of preserving or enhancing the appearance of the conservation area in exercising their responsibilities under the planning legislation, and this statutory duty should always be borne in mind when considering demolition applications (Scottish Planning Policy, paragraph 143).